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JOHN MITCHELL, JR., - EDITOR.

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Entered in the Post Office at Richmond, Va., as second class matter.

BATURDAY, DEC. 6, 1909

"WITHOUT JURISDICTION."

THE United States Circuit Court in session in this city, with Chief-Justice that they go forward!" MELVILLE W. FULLER (Democrat) and Judge EDMUND WADDILL, JR., (Republican) unanimously denied the application of Hon. John S. Wise of New York and James H. Haves, Esq., of this city, representing the complainants for a writ of prohibition against the State Board of Canvassers to prevent the canvassing of the vote of the state under the new Constitution.

We are free to confess that the result was no surprise to us as the same had the Republican persuasion and one doubted right and it was his duty, we think, so to do. As the case stood, it was impossible for the state of Virginia to lose as long as Chief-Justice Fuller held out. Counsel for complainants were accordingly playing a losing game, which has been properly denominated, up against loaded dice. The court decided that it had no jurisdiction even though the state constitution was the United States, and Chief-Justice FULLER openly declared that this view decided by the Supreme Court of the United States.

This was cold comfort for the petitioners. In other words, the doctrine is enunciated that the state is sovereign and it cannot be made to comply with the plain decrees of the Constitution of portance

It is needless to ask our opinion of time and again. If States or parties ruling a state can violate - the Federal Constitution with impunity, what use is the aforesaid Federal Constitution? been rendered by this same tribunal.

We read in history that this same body composed of other men under the nestorship of Chief-Justice TANEY declared that Negroes had no rights that white men are bound to respect.

Chief-Justice FULLER seems to be of the same opinion. For our part, we that they had robbed the store of ing their hopes upon any such found- of the articles. A letter written by white men among whom we live than we can from these distinguished hypocrites who give out lengthy disserta-

tions upon the rights of mankind. When we wish to make contests to

whether it be for us or against us . There is one trait about the native,

aristocratic white Virginian, he never deserts a friend. Most of our troubles white element who never owned a slave and never knew the value of one. For our part, we are sick and tired of

experimenting.

Hon. John S. Wise hurried to Washington and made an effort to shut Congressman-elect GLASS out of Congress. It is said that he was accompanied by Mr. HAYES. This "court" did have jurisdiction, but it flatly refused to exercise it and kindly postponed the event until after its own death, kindly assuring Mr. Wise that another Congress which was undergoing the period of follows: gestation and would soon be born would

it had declined to do. Mr. Wise is reported to have said that he was the only friend the Negro had left. If this be true, what is to become of the cases to be taken before the Anti-Negro Supreme Court of the United States? For our part, we are not cast down or disappointed. The agitation may do us much harm now, but it will do us much good no doubt in the

We have abiding faith in some of these southern white men's sense of justice. They are at times treating us to genuine surprises Judge B. R. WELLFORD, JR., of the Circuit Court is a monument of justice and his successor, Hon, R. CARTER SCOTT will pass muster tefore any court in the land.

Gov. A. J. MONTAGUE is a genuin Virginia product. That he could be evolved out of this mass of political corruption now sweeping over the state is a wonder. He has conscientiously lived up to his oath of office and administered the duties thereof without any regard for the prejudices of the hour, when dealing with vital questions.

His position in opposition to lynch aw has been worthy of all commenda tion. He has the back-bone to meet an issue and not to evade it on the plea of no jurisdiction. But to the subject under discussion: It is too late to criticise the efforts of the able coun-

They no doubt did the best they could We shall be forced to follow along the usual lines marked out by the colored brother. When there is "a sea in front, a host behind and rocks on either hand," he drops down on his knees and looks to God, who "will bring all things right in His own

We have been cruelly deserted by our supposed friends, but let us work out our own salvation and cease this war fare upon ourselves. Although some people may think so, all of our white friends are not yet dead, and God and our own good behaviour will raise up others for us.

Colored men, the command to the Hebrews comes thundering to us through the centuries and may yet prove again a rallying cry to a similarly oppressed people:

"Speak unto the children of Israel

ACTRESS MURDERED

Leading Woman at Keith's Philadel-

phia Theatre Shot by Jealous Actor. Philadelphia, Dec. 2. - Mrs. Kate Hassett, aged 28 years, leading wo-Stock Company, was shot and killed last night by Barry Johnston, a wellknown actor who was formerly a member of Richard Mansfield's combeen foreshadowed in these columns. rical people throughout the country. This court is composed of two judges of After the murder Johnston attempted suicide. The tragedy occurred at Da-Democrat, Judge Nathan Goff did rien and Wood streets, in Philadelnot preside although he had an un- phia's tenderloin. Johnston fired at his victim five times, two of the bullets taking effect, one in the left breast and the other in the left arm. Johnston shot himself through the breast and is not expected to live. The cause of the tragedy is believed to be jeal-

ousy.y.

The murder was one of the most sensational that has occurred here in a long time. The streets in the vicinity of the affair were filled with the in controvention to the Constitution of usual midnight crowds. Johnston is said to have arrived here from New York Sunday. He had been paying of the matter had been passed upon and considerable attention to the woman, it is said. He laid in wait for her at the stage door until after the performance. When Mrs. Hassett reached Darien street, between Wood and Vine streets, Johnston approached her, laid his hand upon her shoulder and almost hissed in her ear: "You have been untrue to me." Without another word the United States, which, so far as a he began shooting point blank at her. state is concerned, is of secondary im- She fell at the first shot, the bullet piercing her breast. After firing three more shots at her the murderer fired such a ruling. We have expressed it a bullet into his own breast. Both were hurried to a hospital, but Mrs. Hassett died on the way.

Jersey Burglars Arrested at Baltimore. Baltimore, Md., Dec. 3. - Charles Still, more outrageous decisions have Newlin, aged 21; Daniel Adams, aged 18. and Alonzo Llewellyn, all claiming Millville, N. J., as their residence, were returned to their native town yesterday in charge of New Jersey policemen. The young men were picked up here on Sunday, having in their possession a lot of clothing and jewelry. have warned our people against build- Richard D. Wood and Co., of Millville, ations. The tide is against us and we one of the young men intimated that must bide our time. We can secure the trio intended to ship on a cattle more justice, such as it is, from these ship for London in a day or two from Newport News.

Beheaded By a Wire. Newark, N. J., Dec. 3 .- J. W. Robbins, of Philadelphia, a brakeman on ascertain our rights under the law, we ing on top of a box car, came in conare going to the Supreme Court of Ap- tact with a low trolley wire at Market peals of Virginia, feeling satisfied that street crossing yesterday, where the we will find distinguished jurists who tracks are being elevated, and was bewill have the nerve and the hardihood headed. His body fell on one side of to do what they believe to be right the car and his head on the other.

come from the hands of this mongrel Trusts Should be Regulated, But Industries Not Imperiled.

TARIFF COMMISSION PROPOSED

Mr. Roosevelt Says Capital and Labor Should Work Together For the Public Good-Cuban Reciprocity Urged. The Isthmian Canal.

Washington, Dec. 3. - The annual message of President Roosevelt was sent to congress today. In part it is as

To the Senate and House of Representatives: We still continue in a perno doubt heed his appeal and do what iod of unbounded prosperity. This prosperity is not the creature of law, but undoubtedly the laws under which we work have been instrumental in crea ting the conditions which made it possible, and by unwise legislation it would be easy enough to destroy it There will undoubtedly be periods of depression. The wave will recede, but the tide will advance.

In my message to the present congress at its first session I discussed at length the question of the regulation of those big corporations which are popularly known as trusts. The experience of the past year has emphasized, in my opinion, the desirability of the steps I then proposed. A fundamental base of civilization is the inviolability of property; but this is in nowise inconsistent with the right of society to regulate the exercise of the artificial powers which it confers upon the owners of property under the name of corporate franchises in such a way as to prevent the misuse of these powers. Corporations and especially combinations of corpor ations, should be managed under public regulation. Experience has shown that under our system of government the necessary supervision cannot be ob tained by state action. It must, therefore, be achieved by national action Our aim is not to do away with corporations. On the contrary, these big aggregations are an inevitable development of modern industrialism, and the effort to destroy them would be futile unless accomplished in ways that would work the utmost mischief to the entire body politic. We are not hostile to them. We are merely determined that they shall be so handled as to subserve the public good. We draw the line against misconduct, not against wealth.

In curbing and regulating the combinations of capital which are or may become injurious to the public we must be careful not to stop the great enterprises which have legitimately reduced the cost of production, not to abandon the place which our country has won in the leadership of the international industrial world, not to strike down wealth with the result of closing factories and mines, of turning the wageworker idle in the streets and leaving the farmer without a market for what he grows.

I believe that monopolies, unjust dis criminations, which prevent or cripple competition, fraudulent overcapitalization and other evils in trust organizations and practices which injuriously affect inter-state trade can be prevented under the power of the congress to 'regulate commerce with foreign nations and among the several states" through regulations and requirements operating directly upon such commerce, the instrumentalities thereof and those man in Keith's Eighth Street Theatre engaged therein. If it prove impossible to accomplish the purposes above set forth by such a law, then assuredly we should not shrink from amending the constitution so as to secure beyond peradventure the power sought.

One proposition advocated has been the reduction of the tariff as a means of reaching the evils of the trusts which fall within the category I have described. To remove the tariff as a punitive measure directed against trusts would inevitably result in ruin to the weaker competitors who are struggling against them. Our aim should be not by unwise tariff changes to give foreign products the advantage over domestic products, but by proper regulation to give domestic competition a fair chance, and this end cannot be reached by any tariff changes. The question of regulation of the trusts; stands apart from the question of tariff revision.

Moreover, if the tariff laws as a whole work well and if business has prospered under them and is prosperslight inconveniences and inequalities in some schedules than to upset business by too quick and too radical changes. It is most earnestly to be ness needs. Unquestionably these business interests will best be served if together, with fixity of principle as redesired that such treaties may be nation's past

adopted. The cases in which the tariff can constitute an inconsiderable factor in the question, but, of course, if in any case it be found that a given rate of duty does promote a monopoly which works ill, no protectionist would object to such reduction of the duty as would equalize competition. In my judgement the tariff on anthracite coal should be removed and anthracite put actually where it now is nominally, on the free list. This would have no effect at all save in crises; but in crises it might be of service to the people.

How to secure fair treatment alike for labor and for capital, how to hold in check the unscrupulous man, whether employer or employe, without weakening individual initiative, without hampering and cramping the industrial levelopment of the country, is a problem fraught with great difficulties and one which it is of the highest import-

farsighted common sense. Exactly as business men find they must often work through corporations, so it is often necessary for laboring men to work in federations, and these have become important factors of modern industrial life. Both kinds of federation, capitalistic and labor, can do much good, and as a necessary corollary, they can both do evil. Every employer, every wageworker, must be guaranteed his liberty and his right to do as he likes with his property or his labor so long as he does not infringe upon the rights of others. It is of the highest importance that employer and employe alike should endeavor to appreciate each the viewpoint of the other and the sure disaster that will come upon both in the long run if either grows to take as habitual an attitude of sour hostility and distrust to the other. We are neither for the rich man as such nor for the poor man as such; we are for the upright man, rich or poor. So far as the constitutional powers of the national government touch these matters of general and vital moment to the nation, they should be exercised in conformity with the principles above set

It would be both unwise and unnecessary at this time to attempt to reconstruct our financial system, which has been the growth of a century; but some additional legislation is, I think, desirable. It is suggested that all future legislation on the subject should be with the view of encouraging the use of such instrumentalities as will automatically supply every legitimate demand of productive industries and of commerce, not only in the amount, but in the character of circulation; and of making all kinds of money interchangeable, and, at the will of the holder, convertible into the established gold. standard.

I hope soon to submit to the senate a reciprocity treaty with Cuba. On May 20 last the United States kept its promise to the island by formally vacating Cuban soil and turning Cuba over to those whom her own people had chosen as the first officials of the new republic. I urge the adoption of reciprocity with Cuba not only because it is eminently for our own interests to control the Cuban market and by every means to foster our supremacy in the tropical lands and waters south of us, but also because we of the giant republic of the north should make all our sister nations of the American continent feel that whenever they will permit it we desire to show ourselves disinterestedly and effectively their friend.

The congress has wisely provided that we shall build at once an isthmian canal, if possible at Panama The attorney general reports that we can undoubtedly acquire good title from the French Panama Canal Company. Negotiations are now pending with Colombia to secure her assent to our building the canal. This canal will. be one of the greatest engineering feats of the twentieth century, a greater engineering feat than has yet been accomplished during the history of mankind. The work should be carried out as a continuing policy without regard to change of administration and it should be begun under circumstances which will make it a matter of pride for all administrations to continue the policy.

Of Porto Rico it is only necessary to say that the prosperity of the island and the wisdom with which it has been governed has been such as to make it serve as an example of all that is best in insular administration. On July 4 last, on the one hundred and twenty-sixth anniversary of the

declaration of our independence peace and amnesty were promulgated the Philippine Islands. Some trouble has since from time to time threatened with the Mohammedan Moros, but with the late insurrectionary Filipinos the war has entirely ceased.

Civil government has now been intro-The army has been reduced to the minimum allowed by law. There should be no halt in the work of building up the navy, providing every year additional fighting craft. The Monroe doctrine should be treated as the cardinal feature of American foreign policy, but it would be worse than idle to assert it unless we intended to back

by a thoroughly good navy. We need a thousand additional officers in order to properly man the ships now provided for and under construction.

Gratifying progress has been made during the year in the extension of the ing, it is better to endure for a time merit system of making appointments in the government service. It should be extended by law to the District of Columbia. It is much to be desired that our consular system be estabwished that we could treat the tariff, lished by law on a basis providing for from the standpoint solely of our busi- appointment and promotion only in consequence of proved fitness.

Through a wise provision of the congress at its last session the White gards the tariff, we combine a system House, which had become disfigured which will permit us from time to time by incongruous additions and changes, to make the necessary re-application has now been restored to what it was of the principle to the shifting nation- planned to be by Washington. It is a al needs. One way in which the read- good thing to preserve such buildings justment sought can be reached is by as historic monuments which keep reciprocity treaties. It is greatly to be alive our sense of continuity with the

THEODORE ROOSEVELT.

produce a monopoly are so few as to A WEEK'S NEWS CONDENSED.

Friday, November 28. The winter meeting of the Crescent City Jocky Club opened at New Orleans yesterday. Archbishop Riordan, of San Fran-

cisco, arrived in New York last night on the steamer Celtic. Frau Krupp has given \$750,000 to establish a benefit fund for the work-

men here in memory of her late husband. The dowager empress will appoint Prince Chun to be the principal rep-

resentative of China at the St. Louis Exposition. Saturday, November 29. John J. Allen, of Chicago, a promi-

anse to solve on lines of sanity and at Marshall, Mo., died from his inju-, the council.

The plant and stock of the Currie Fertilizer Company, at Louisville, Ky., were damaged by fire yesterday to the extent of \$50,000. The loss is covered

by insurance. The honorary degree of doctor of laws was conferred upon Professor Adolf Lorenz, the noted Vienna physician, by Northwestern University last night at Chicago.

Monday, December 1. General Lew Wallace is seriously ill at his home in Crawfordsville, Ind.

The Italian government will establish wireless telegraphy between Genoa and Buenos Ayres. Ambassador Cambon, of France, presented his letter of recall to President

Roosevelt yesterday. An American Chamber of Commèrce will be organized in Berlin, Germany, by American business men residing

All telegraph operators on the Wis consin Central Railway were granted an increase in wages, amounting to \$5 monthly.

Tuesday, December 2. The post office at Tomah, Wis., was robbed of \$1500 in stamps Sunday.

The thieves escaped. The third triennial convention of the National Council of Jewish Women opened in Baltimore today. New Hampshire's seventh convention for the revision of her state constitution convened at Concord yester-

Nelson and Frank Hamilton, aged 12 and 10 years respectively, were drowned at Millersburg, Mich., yesterday while skating."

According to the report of the sec retary of the treasury the public debt amounts to \$958,097,281, a decrease of \$410,440 over September. A charter was granted at Guthrie

O. T., to Oklahoma capitalists to build a 1000 mile railroad from Enid, O. T. to San Diego, Cal. Capital, \$30,000,000 Wednesday, December 3.

The Spanish-American War Nurses Association met in annual convention at Washington yesterday.

Salem H. Wales, father-in-law of Secretary of War Root, died yesterday at his home in New York.

Attorney General Knox in his an nual report to congress recommends an increase of salaries for judicial officers throughout the country. John Lippincott, G. M. Fryberger

and Albert Dunlap were arrested at Lancaster, Pa., yesterday, charged with robbing the post office at New Holland. The plant of the Brookville Manu-

facturing Company, at Brookville, Ind., was destroyed by fire yesterday. Loss, \$125,000. Three car loads of candy and two of canned goods were destroyed.

was destroyed by fire yesterday. Loss, \$125,000. Three car loads of candy and two of canned goods were destroyed.

GENERAL MARKETS

Philadelphia, Pa., Dec. 2.— Flour was steady: winter superfine, \$2,000 and the power of any two McMan Transaction of the property of the company of the company

and common, \$1.50@2; choice \$5.10@5.30; veal calves, \$7@8.25.

Chaplain Milburn Resigns.

Washington, Dec. 2.-Rev. W. H. it up, and it can be backed up only | Milburn, the blind chaplain of the senate, who is now in California, has forwarded his resignation to President Pro Tem Frye. It was placed before the senate today. His successor will be elected by the senate. Mr. Milburn, in his letter to Senator Frye, says ill health compels him to retire from the position, and he add: "It is with deep sorrow that I have come to this decision, as it was my cherished wish that, under the favor of the senate, I should conduct its religious services during the remainder of my

> EX-SPEAKER REED STRICKEN Suffered a Sudden and Severe Attack of Gastritis.

Washington, Dec. 3. - Ex-Speaker Thomas B. Reed had a sudden and quite severe attack of gastritis last evening. He was prostrated for a time, but Dr. Gardner, who was called in, succeeded in relieving his patient. The sudden illness of the ex-speaker caused considerable alarm to his friends, but several hours later Mr. Reed was getting on better than had been feared earlier in the evening.

Dr. Gardner made the following statement at 11 o'clock last night: "Mr. Reed had an attack of acute gas tritis, and is resting very quietly now."

The doctor did not call to see his patient again during last night, as Mr. Reed was improving.

Bradley's Resignation Accepted. Asbury Park, N. J., Dec. 2.-The common council last night accepted the resignation of Founder James A Bradley as mayor of the city. This done, the council appointed a special nent railroad man, died yesterday in committee to confer with Mr. Bradley, London. His body will be sent home. and at next Monday's meeting of the Bunce Quaries, of Boonville, Ky., a council his formal offer to sell the Kemble College student, who was in- beach front and other public properjured two weeks ago in a football game ties for \$350,000 will be presented to



and returning the Lion heads, cut from the packages, to Woolson Spice Co., Toledo, O., you get a fine assortment of valuable presents Free of Cost-there is no advertising of any kind on them.



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George Jenkins, Proprietor.

Notice III

The East End Memorial Burial Association of Richmond informs the pub-lic that having purchased six (6) acres of land, situated in Henrico County. near the city of Richmond, adjoining Oakwood cemetery and that they are disposing of the same, in sections, half sections and at the rollowing terms.

Sections, \$25.00 and Half Sections,

\$15.00. The situation of this Cemetery is high, dry and rolling and accessible to the Richmond Traction Street Railway and Seven Pines Railway lines, adjoining Oakwood cemetery.

This Association has at a considerable expense divided this tract of land into sections, erected a fence around its boundaries, which with the additional improvements contemplated, will be an inducement to those desiring or contemplating purchasing resting places for their deceased relatives and friends. The attention of the general public is solicited and advantageous inducements

J. R. Griffin, President, No. 2412 E.

J. R. Griffin, President, No. 2412 L.
Broad street; E. A. Washington, Secretary. Old 'Phone, 1983.

For information, apply to John coleman, Keeper, No. 2920 P street; Wm.
Custa 702 East Broad street; W. H.
Jones, 357, 54. Peter street; W. H. Jones, 3057, St. Peter street; W. H. Lewis, 806 Buchanan street; Samuel Meredith, 1223 North 26th street; Joseph Robinson, No. 49 1st Market or 2811 9-mile Road; D. J. Chavers, Supt., 1827 Carrington street.

Go to Beach Park. Westpoint Excursion and Pienic Grounds.—Only 30 Miles, One Hour's Ride From Richmond, via Southern Ry.

A great many excursions have already been booked for "Beach Park" for June and July. The various attractions and improvements at this popular resort gives it more prominence each season; To close proximity to Richmond, and the unlimited supply of the most whole some artesian water, together with many other natural advantages, places realization.
This subject has received no little attention by eminent men and even college professors.
So it proves conclusively that although there are infringers in our midst with oily tongues, perhaps the gates of wisdom have not been closed to the entire profession. it second to none as a pleasure and health resort for Richmond people.

King William Pier, a substantial structure, extending 689 feet in length and 25 feet wide over the York River, with waterproof roofing as a protection from sun and rain, adds considerably to the beauty and convenience for pic-nic and other outing parties. In addition to the new Beach Park

Hotel, now being erected, you will find other hotels and many nice boarding houses, furnishing cheap rates and good first-class accommodations.

The principal attractions are such as fine fishing, boating, sailing, merry-goround, shooting galleries, steam and naptha launches, a large dancing pavilion with a band of music day and night, several wells of fine artesian water on the grounds, and various other attrac-tions to suit the older people as well as the little ones.

For any other information apply at or write to the Southern Ry. office, 920 E. Main St.. Richmond. Va.

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Fraternal and to promote the Social and Moral condition of humanity. Its two distinct military and uniform sanks will secure for this organization a place in the front ranks of all sacred institutions of modern events, a grand opportunity for active men. Deputies wanted in all sections of the country to organ lodges.

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